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8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12
13 **JOSE LUCAS ESCOBAR-LAINEZ,**

14 Plaintiff,

15 v.

16 **CITY OF SANTA CRUZ; OFFICER R.**
17 **DALEY; OFFICER HATCHER; SHAWN**
18 **WILSON; AND TEN UNKNOWN**
19 **INDIVIDUALS**

20 Defendants.

Case No. C-10-02660-JF

**STIPULATION AND ORDER AS TO
CLAIM AGAINST DEFENDANT
SHAWN WILSON**

Judge: Hon. Jeremy Fogel

Action Filed: June 17, 2010

21 STIPULATION

22 IT IS HEREBY AGREED that Plaintiff Jose Lucas Escobar-Lainez (Escobar) is not
23 asserting a claim against Defendant Shawn Wilson (Wilson) under the Fourth Amendment of the
24 United States Constitution for failure to intervene to protect him from the excessive force of
25 another. Any and all other claims against Wilson under the Fourth Amendment remain intact.
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1 Accordingly, the following sentence of "[a]dditionally, defendants failed and refused to
2 intervene to protect plaintiff from the excessive force of their fellow officers even though they
3 had the opportunity to protect the plaintiff," located on lines 15 to 17 on page 4, of Escobar's
4 First Amended Complaint, is hereby stricken as to Wilson only.

6 LAW OFFICE OF KATHLEEN E. WELLS

8 Dated: May 24, 2011

8 /s/
Kathleen E. Wells
9 Attorney for Plaintiff Berry Lynn Adams

12 Dated: May 18, 2011

12 Respectfully Submitted,
13 KAMALA D. HARRIS
14 Attorney General of California
15 TYLER B. PON
Supervising Deputy Attorney General

16 /s/ Daniel B. Alweiss

17 DANIEL B. ALWEISS
Deputy Attorney General
18 Attorneys for Defendant Shawn Wilson

20 IT IS SO ORDERED

22 Dated: 6/8/11

22 
Honorable Jeremy Fogel
23 Judge of United States District Court